



365992



Thomas Nash/R5/USEPA/US

09/10/2008 07:50 AM

To <dbrown@brownlawdayton.com>

cc "Douglas A. McWilliams" <dmcwilliams@ssd.com>

bcc GLADYS WATTS/R5/USEPA/US

Subject Re: CRS Site - Special Notice Letter dated August 21, 2008



Dear Mr. Brown:

Thank you for re-submitting the attached material. U.S. EPA will re-examine your client's relationship to the Site and consider whether it may be appropriate to re-evaluate our enforcement response relative to your client. I hope to reach some tentative conclusions soon and I will communicate with you when EPA has more thoroughly considered the attached material.

Thanks, Tom

(c) Thomas C. Nash
Associate Regional Counsel
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-----"Daniel A. Brown" <dbrown@brownlawdayton.com> wrote: -----

To: Thomas Nash/R5/USEPA/US@EPA
From: "Daniel A. Brown" <dbrown@brownlawdayton.com>
Date: 09/09/2008 04:44PM
cc: "Douglas A. McWilliams" <dmcwilliams@ssd.com>
Subject: CRS Site - Special Notice Letter dated August 21, 2008

Mr. Nash:

I just left a voicemail message at your office about the CRS Site in Elyria, Ohio. As you know, I represent Systech Environmental Corporation ("Systech") which is the corporate successor in interest to Systems Technology Corporation. After carefully considering USEPA's General Notice of Potential Liability issued on June 3, 2004, and after reviewing the "dirty inventory list" provided by Ms. Marsha Adams at USEPA on June 16, 2004, Systech provided its original response to the General Notice Letter on July 22, 2004 and a follow-up response on August 10, 2004.

After waiting for a response from USEPA about the matter for more than eight

*From Brown
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months, I sent you the attached email on April 14, 2005 (which included copies of the July and August 2004 responses by Systech). The information contained in and documents attached to those responses show that Systems Technology Corporation did not "arrange for the disposal" of hazardous substances at the CRS Site. To the contrary, the evidence is clear that Systems Technology Corporation accepted "waste still bottoms" generated at the CRS Site for transportation to and burning as an alternative fuel at a cement kiln in Paulding, Ohio.

Because Systech has provided USEPA with definitive evidence that the company is not a potentially responsible party at the CRS Site, my client does not understand why USEPA sent the Special Notice Letter dated August 21, 2008. If USEPA is in possession of any evidence that Systems Technology Corporation "arranged for the disposal of hazardous substances" at the CRS Site (other than the "dirty inventory list"), please provide such evidence to me.

With that in mind, please review the attached documents and call me at your convenience to discuss this matter further. Thanks for your consideration of this request.

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- Email to T. Nash (with copies of previous correspondence (04-14-05).pdf



- Systech's

Responses to USEPA Information Requests attached to General Notice Letter (07-22-04).pdf



- CRS Site - Dirty Inventory List (1980).pdf